

REMARKS/ARGUMENTS

This *Corrected Response to May 29, 2008 Non-Final Office Action Pursuant to September 1, 2009 Notice of Non-Compliant Amendment (37 CFR 1.121)* is being submitted within the one (1)-month period for response set in numbered paragraph 2 under the heading **TIME PERIODS FOR FILING A REPLY TO THIS NOTICE** on page 1 of the reissued *Notice of Non-Compliant Amendment (37 CFR 1.121)* which was mailed from the Office on September 1, 2009 in replacement of the previous *Notice of Non-Compliant Amendment (37 CFR 1.121)* mailed November 25, 2008 and withdrawn pursuant to applicants' *Response to and Request for Withdrawal and Reissuance of the Examiner's November 25, 2008 Notice of Non-Compliant Amendment (37 CFR § 1.121)* filed May 20, 2009. The point of non-compliance pointed out in both the original and reissued *Notices* was the incorrect designation of the status of claim 18 which has now been corrected from "(Original)" to -- (Previously Presented)--.

Claims 1-21 are pending in this application. Claims 1, 9, 11, 15 and, 19 are the only independent claims.

Claims 1-21 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. On page 2, the Office Action contends that claims 1 and 9 are directed to methods that are not implemented on hardware. The Office Action further states that claims 15 and 19 are directed to apparatus that are not implemented on hardware. The Office Action has cited no support for the contention that method claims are required to be implemented to hardware. Applicants respectfully request that support be identified.

The cited paragraph states that "[D]ata structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer." However, claim 1 is a method for assigning an address to a node in a network and not a data structure. Similarly, claim 9 is a method of addressing a packet in a network and not a data structure. These method claims are not data structures and are directed to statutory subject matter. Applicants request withdrawal of this rejection.

Further, claims 15 and 19 are rejected in the Office Action as being directed to apparatus that are not implemented on hardware. Claims 15 and 19 are method claims and not apparatus claims and the preamble of both claims have been amended to clarify this. Both claims 15 and 19 are directed to statutory subject matter and not data structures. Similarly, independent claim 11 is an apparatus claim directed to statutory subject matter and not a method claim. In particular, claim 11 is directed to a network having a plurality of nodes and does not require to be implemented on hardware. Applicants request that these rejections be withdrawn.

Claims 1-7 and 9-21 have been rejected under § 102(b) over U.S. Patent 5,925,097 (Gopinath). Applicants respectfully traverse this rejection and request reconsideration of the subject application.

Independent claim 1 requires “providing a first address to a first node such that the first address includes a description of a path to the first node.” The Office Action on page 5 has cited col. 25, lines 7-9, of Gopinath in rejecting this limitation. This portion states that the “routing information is part of the VC state, which is accessed based on a local VC number of that port.” This section only describes routing information of the intermediate output port and not “a first address to a first node such that the first address includes **a description of a path to the first node.**”

The next cited portion of Gopinath, at col. 25, lines 7-9, where the distribution element is “self-routing, since it does not require any external controller for routing” merely describes that the distribution element does not require external control for routing the incoming frames locally. Gopinath at col. 23, lines 32-35, explains that at each port “the local name of the incoming data object is translated to the local name of that port, and that local name is used for accessing local state information and as the local name designator for the outgoing data transfers.” This translation is for the local port and not “**a description of a path**” to the first node.

Gopinath in the same paragraph states that “[T]he port of the distribution element that receives the frame from the network link or local host is denoted as the input port with the respect to

the particular data transfer request. The port to which the frame is destined is called the output port. The routing function performs addressing of the destination output ports.” Col. 25, lines 7-11. The cited portion describes receiving “the frame from the network link” which is denoted as an input port. Hence the *distribution element is self-routing* at the local level only as a “VC number is local for each port of the distribution element.” (col. 37, lines 12-13).

Further, Gopinath at col. 23, lines 35-36, describes that the “[t]he local name is denoted as the virtual circuit (VC).” “The distribution elements uses local names for communication, private to each port (routing node), and the host at the periphery of the network” (col. 23, lines 26-28). Further, “[t]he one-to-one correspondence between local names of the neighboring nodes is established at the time of set-up the spanning tree” (col. 23, lines 29-32). Therefore, it is clear by the cited and other portions of Gopinath that the VC number is local at a node. The cited portions do not disclose **“providing a first address to a first node such that the first address includes a description of a path to the first node”** as required by claim 1. (Emphasis added). Claim 1 is allowable for this reason alone.

Independent claim 1 further requires “establishing a mapping between a plurality of output ports in the network and bits in the first address such that a packet, directed to the first address node, at a second node in the network is forwarded via an output port on the second node in the network, in response to a specified bit in the first address having a specified value.” The Office Action cites col. 34, lines 36-61, of Gopinath in rejecting these limitations of claim 1. However, this section only describes the content of the table inside a node used as a reference for forwarding messages. The four fields namely, host_guards, guards, guards_charged, and guards_snapped contain different status information of the node, but do not teach the limitations of claim 1.

Further, in Gopinath the node determines the suitable output port for an incoming message after checking both the message’s VC number and the content in the table (col. 23, lines 32-35). Whereas, claim 1 requires “a packet, directed to the first address node, at a second node in the network is forwarded via an output port on the second node in the network, **in response to a**

specified bit in the first address having a specified value” which is not disclosed in the cited portions of Gopinath. Therefore, Claim 1 is allowable for this additional reason.

Independent claims 9, 11, 15, and 19 have been rejected under § 102(b) over Gopinath. In paragraph 2.8, the rejection of claim 1 is applied to these independent claims. Applicants respectfully traverse these rejections for at least all the reasons discussed above in regards with claim 1 and request that these rejections be withdrawn and the claims allowed.

Claims 2-7, 10-14, 16-18, and 20-21 are dependant claims and include all of the limitations found in their parent independent claims. These claims include further limitations which, in combination with the limitations of the parent independent claims, are neither disclosed nor suggested in the art of record and are therefore allowable for at least the reasons discussed above.

No fee is believed to be due for this Response. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

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Respectfully submitted,

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